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A PROFESSIONAL CORPORATION

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October 27, 2010

*APPLICATION  
GRANTED*

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**BY FAX (212-805-6111)**

Honorable Henry Pitman  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**SO ORDERED**

*Henry Pitman*  
**HENRY PITMAN**  
**UNITED STATES MAGISTRATE JUDGE**

10-27-10

Re: Carter et al. v. 36 Hudson et al. v. FBR et al. v. L'Abbaye et al.  
09 Civ. 4328 (DLC) (HP)

Dear Judge Pitman:

I am lead trial counsel for third-party defendant FBR Construction Group LLC ("FBR") and its principal, third-party defendant Jay Furman ("Furman"), in the above-referenced action.

I am writing to request that the FBR employee with the most knowledge of this matter be allowed to appear with me for FBR and Furman at the settlement conference scheduled for November 3, 2010 before your Honor, instead of Furman, because Furman will be in Europe at that time. The FBR employee with the most knowledge of this matter was the Construction Manager of the entire project, Mr. Philip Caccese, who is available to attend with me.

Yesterday, I asked all counsel by email if they object to this request and have not received any objections.

Respectfully submitted,

COZEN O'CONNOR

By: *Kenneth G. Roberts*

Kenneth G. Roberts (kroberts@cozen.com)

cc (by email): Robert Sheps, Esq.  
Fran Jacobs, Esq.  
Steven Goldstein, Esq.  
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Stephen Slater, Esq.  
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